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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/769,750

02/03/2004

Dino Bongini

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EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/769,750

Applicant(s)

BONGINI, DINO

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-13 and 17-22 is/are allowed.
- 6) ☒ Claim(s) 10 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

1. The indicated allowability of claims 10 and 14-16 is withdrawn in view of the newly discovered reference(s) to Ikeda and Kretchman et al.. Rejections based on the newly cited reference(s) follow.
2. Note: OTOHOSITA is an acronym for obvious to one having ordinary skills in the art.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kretchman et al. (U. S. Pat. No. 4,265,100).

Re claim 10, Kretchman is cited disclosing laundry washing machine having a washing agent dispenser (26) which comprises at least a movable body defining a space or compartment (80, 81) for containing a dose of a respective washing agent, said space having a loading mouth open according to a respective first axis, a housing (32) for said movable body and means (74) for carrying into said space a flow of liquid able to withdraw said washing agent, said movable body being mounted in said housing in such a way as to be able to assume a first position (fig. 8), for the manual admission of said washing agent into said space through said loading mouth, and a second position (fig. 4), for the withdrawal of said washing agent from said space by means of said flow of liquid, wherein said movable body is pivotally supported in said housing to move angularly from said first to said second position and vice versa around a second

axis (62) that is substantially perpendicular or anyway transverse relative to said first axis of said loading mouth, and wherein said movable body has at least a passage (56) for the outflow from said compartment of said washing agent together with the liquid of said flow said outlet passage extending axially in a substantially perpendicular direction relative to said first and second axis .

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (U. S. Pat. No. 4,323,170, Fig. 10, 11 in view of Fig. 5) .

Re claim 14, Ikeda is cited disclosing laundry washing machine having a washing agent dispenser (see figs. 10, 11) which comprises at least a movable body (20) defining a space or compartment for containing a dose of a respective washing agent, said space having a loading mouth open according to a respective first axis, a housing for said movable body and means (152) for carrying into said space a flow of liquid able to withdraw said washing agent, said movable body being mounted in said housing in such a way as to be able to assume a first position, for the manual admission of said washing agent into said space through said loading mouth, and a second position, for the withdrawal of said washing agent from said space by means of said flow of liquid, wherein said movable body is pivotally supported in said housing to move

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angularly from said first to said second position and vice versa around a second axis that is substantially perpendicular or anyway transverse relative to said first axis of said loading mouth, wherein said housing comprises a casing (6) in which said movable body is substantially enclosed, said casing having a respective upper opening, in said first position, said loading mouth of said movable body being substantially aligned to said upper opening, and said casing comprises a shell that differs from the claim only in the recitation of the casing being formed of an upper and lower half-shells and from the bottom wall of the shell there rising, support means for said movable body. In regard to the casing being formed of upper and lower half-shells being joined together, the same is of little patentable weight in view of the shell casing of Ikeda. It is old and well known to joined a plurality of elements, integrally connected to form a single piece. This feature would have been obvious because the technique for improving a particular class of a device was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teaching of the technique for improving other situations (see MPEP 2114, **V MAKING PORTABLE, INTEGRAL, SEPARABLE, ADJUSTABLE, OR CONTINUOUS**). As for the support rising from the bottom, Ikeda (see fig 5) discloses the arrangement of providing body support means as claimed. It therefore would have been OTOHOSITA to modify the support means (16) of figs. 10, to be as taught by the support means (21) in fig. 5, since this is consider to be a substitution of equivalents (see MPEP 2144.06 **SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE**). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no

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change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Re claims 15 and 17, Ikeda discloses the pivot and stop.

7. Claims 1-9, 11-13 and 17-22 stand allowed.

8. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Harvey, James, Jr., Devery, Barritt, Patzelt et al., Perl, Filipak, Losert et al., note the dispensers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

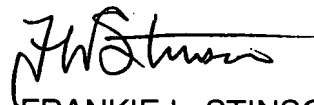
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls

A handwritten signature in black ink, appearing to read "Frankie L. Stinson", with a horizontal line extending from the end of the signature.

FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746